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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/324,601	06/02/1999	STEVEN C. ROBERTSON		1766

23475 7590 02/08/2002

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EXAMINER

FADOK, MARK A

ART UNIT PAPER NUMBER

2165

DATE MAILED: 02/08/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/324,601

Applicant(s)

ROBERTSON, STEVEN C.

Examiner

Mark A Fadok

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

The examiner has reviewed the applicant's response to Office Action dated; 12/05/01.

The rejection for the drawings is no longer pending, however, claims 1-22 are still rejected based on new grounds as discussed below.

Response to Arguments

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Bergen as applied to claim 1-18 above, and further in view of US 5,953,710, herein referred to as Fleming. Von Bergen shows all the limitations of the claims except as follows:**

In regards to claim 1, Von Bergen teaches a central location for controlling the gift certificate process and a series of remote locations, but does not specifically mention user database, merchant database, manufacturers database containing authentication information of registrants. Fleming et al. teaches Bank Accounts **Database 22** represented in **FIGS. 2-11** may be a network of databases maintained on different

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computers at more than one location. This invention may be used with credit cards issued by merchants, phone companies, and other entities (col. 6, lines 7-19). It would be obvious to a person of ordinary skill in the art to include in Von Bergen the step of having a user database, merchant database, manufacturers database containing authentication information of registrants, because the information would be needed at each location to effect the transaction.

In regards to claim 3, Von Bergen teaches the purchase of an electronic gift certificate, but does not specifically mention restricting the use of the gift certificate. Fleming teaches allowing a parent to use the system to restrict the number of purchases made by the child (col. 3, lines 50-52). It would be obvious to a person of ordinary skill in the art to include in Von Bergen the step of restricting the use of the gift certificate as taught in Fleming, because the gift could be given to a minor who might spend the money in a place undesirable to the gift giver.

In regards to claims 4,5,10 Von Bergen teaches the purchase of an electronic gift certificate, but does not specifically mention tracking the use of the gift certificate. Fleming teaches a Parent Statement List which includes includes parent and child debit expenditures, parent and child credits, parent and child payments, parent requests including increase, decrease, enable, disable, and limit requests, as well as any service charges, interest, or fees for the parent and child. Note: the parent statement includes child purchases. Transactions on this list are shown on a parent's account statement (col. 13, lines 45-51). It would be obvious to a person of ordinary skill in the art to include in Von Bergen the step of tracking the use of the gift certificate as taught in

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Fleming, because the gift could be given to a minor who might spend the money in a place undesirable to the gift giver.

In regards to claims 11,12,13,14,15,16, 17 and 18, Von Bergen and Fleming teach a method of limiting transactions on an electronic gift certificate, but do not specifically mention those restrictions that are noted in claims 11,12,13,14,15,16, 17 and 18 of the instant application. The examiner makes note that it is well known in the art to place limitations on credit and debit cards and that these restrictions are not limited, therefore since Von Bergen and Fleming have a method that allows for restriction the level of restriction is considered infinite.

4. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,914,472, herein referred to as Foladare et al as applied to claim 1-22 above, and further in view of Von Bergen. Foladare et al shows all the limitations of the claims except as follows:

In regards to claim 19-22, Foladare et al teaches an apparatus that processes purchases with restricted credit/debit cards, but does not specifically mention Gift certificates or contributions going to charity. Von Bergen teaches online gift certificates where residual funds can be donated to a choice of charities. It would be obvious to a person of ordinary skill in the art to include in Foladare et al online gift certificates where residual funds can be donated to a choice of charities as taught by Von Bergen, because a gift certificate is akin to that of a debit card with a fixed value and is well known in the art. Also, since most transactions will result in a residual value on the

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account, rather than lose the money, giving it to charity would be a more appealing option.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A Fadok whose telephone number is (703) 605-4252. The examiner can normally be reached on Monday to Friday 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Mark A Fadok
Examiner
Art Unit 2165

Mark Fadok
January 30, 2002



WYNN COGGINS
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